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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------|-------------|----------------------|---------------------|------------------|
| 10/574,198 | 03/31/2006 | Hirokatsu Obayashi | Q94182 | 5892 |
| 65565 | 7590 | 08/09/2007 | | |
| SUGHRUE-265550 | | | EXAMINER | |
| 2100 PENNSYLVANIA AVE. NW | | | ROSS, DANA | |
| WASHINGTON, DC 20037-3213 | | | | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3722 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 08/09/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,198

Applicant(s)

OBAYASHI ET AL.

Examiner

Dana Ross

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/16/07;3/31/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The replacement drawings were received on 22 December 2006. These drawings are acceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by JP 2004-9201 (hereafter '9201).

'9201 teaches an eyeglass lens processing apparatus with a piercing unit 201 for piercing various types of holes (see paragraphs 0017-0020, for example) in the lens; control unit 80 (see paragraph 0100, for example); milling 201 and grinding 213 (see paragraph 0011 and 0016, for example); data memory 82 for positioning (see paragraph 0034, for example); contact or non-contact sensors (see paragraph 0033, for example); contact feeler 102 (see paragraph 0101, for example); detecting broken tool (see paragraph 0120 and 0121, for example).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dana Ross/
Primary Examiner
Art Unit 3722

Substitute for Form 1449 A & B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(use as many sheets as necessary)***Complete if Known**

| | |
|------------------------|--------------------|
| Application Number | 10/574,198 |
| Confirmation Number | 5892 |
| Filing Date | March 31, 2006 |
| First Named Inventor | Hirokatsu OBAYASHI |
| Art Unit | 1732 |
| Examiner Name | Not Yet Known |
| Attorney Docket Number | Q94182 |

Sheet 1 of 1

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|-----------------------|--------------------------|-----------------|--------------------------------------|--------------------------------|---|
| | | Number | Kind Code ² (if known) | | |
| /DR/ | | US 5,716,256 | A | 02-10-1998 | Mizuno et al. |
| /DR/ | | US 6,913,510 | B2 | 07-05-2005 | Mizuno et al. |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Translation ⁶ |
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NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume- issue number(s), publisher, city, and/or country where published. | Translation ⁶ |
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| Examiner Signature | /Dana Ross/ | Date Considered | 08/02/2007 |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.

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| Substitute for Form 1449 A & B/PTO <div style="text-align: center;"><u>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</u></div> <div style="text-align: center;"><i>(use as many sheets as necessary)</i></div> | | | | <div style="text-align: right;"><i>Complete if Known</i></div> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Application Number</td> <td style="width:50%;">Based on PCT/JP04/05826</td> </tr> <tr> <td>Confirmation Number</td> <td>Unknown</td> </tr> <tr> <td>Filing Date</td> <td>March 31, 2006</td> </tr> <tr> <td>First Named Inventor</td> <td>Hirokatsu OBAYASHI</td> </tr> <tr> <td>Art Unit</td> <td>Unknown</td> </tr> <tr> <td>Examiner Name</td> <td>Unknown</td> </tr> <tr> <td>Attorney Docket Number</td> <td>Q94182</td> </tr> </table> | | Application Number | Based on PCT/JP04/05826 | Confirmation Number | Unknown | Filing Date | March 31, 2006 | First Named Inventor | Hirokatsu OBAYASHI | Art Unit | Unknown | Examiner Name | Unknown | Attorney Docket Number | Q94182 |
| Application Number | Based on PCT/JP04/05826 | | | | | | | | | | | | | | | | | | |
| Confirmation Number | Unknown | | | | | | | | | | | | | | | | | | |
| Filing Date | March 31, 2006 | | | | | | | | | | | | | | | | | | |
| First Named Inventor | Hirokatsu OBAYASHI | | | | | | | | | | | | | | | | | | |
| Art Unit | Unknown | | | | | | | | | | | | | | | | | | |
| Examiner Name | Unknown | | | | | | | | | | | | | | | | | | |
| Attorney Docket Number | Q94182 | | | | | | | | | | | | | | | | | | |
| Sheet | 1 | of | 1 | | | | | | | | | | | | | | | | |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|-----------------------|-----------------|--------------------------------------|--------------------------------|---|
| Examiner Initials* | Cite No. ¹ | Document Number | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
| | | Number | Kind Code ³ (if known) | | |
| /DR/ | | US 6,790,124 | B2 | 09-14-2004 | Ryoji SHIBATA |
| | | US | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|-----------------------|---------------------------|---------------------|--------------------------------------|--------------------------------|--|--------------------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Translation ⁶ |
| | | Country Code ² | Number ⁴ | Kind Code ³ (if known) | | | |
| /DR/ | | JP | 2004-9201 | A | 01-15-2004 | Toshiba Corp. | |
| /DR/ | | JP | 9-85585 | A | 03-31-1997 | Nissin Kogyo Co., Ltd. | |
| /DR/ | | JP | 2000-343310 | A | 12-12-2000 | Mori Seiki Co., Ltd. | |
| /DR/ | | JP | 2004-130407 | A | 04-30-2004 | Fanuc Ltd. | |
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| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|--|--------------------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published. | Translation ⁶ |
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| Examiner Signature | /Dana Ross/ | Date Considered | 08/02/2007 |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.